

RECEIVED

County \_\_\_\_\_

Page No. \_\_\_\_\_

It is a class A misdemeanor punishable, notwithstanding the provisions of section 560.021, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both, for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or to sign a petition when such person knows he or she is not a registered voter.

INITIATIVE PETITION

To the Honorable John R. Ashcroft, Secretary of State for the state of Missouri:

We, the undersigned, registered voters of the state of Missouri and \_\_\_\_\_ County (or city of St. Louis), respectfully order that the following proposed amendment to the constitution shall be submitted to the voters of the state of Missouri, for their approval or rejection, at the general election to be held on the 6th day of November, 2018, and each for himself or herself says: I have personally signed this petition; I am a registered voter of the state of Missouri and \_\_\_\_\_ County (or city of St. Louis); my registered voting address and the name of the city, town or village in which I live are correctly written after my name.

(Official Ballot Title)

CIRCULATOR'S AFFIDAVIT

STATE OF MISSOURI, COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, being first duly sworn, say (print or type names of signers)

NAME (Signature)	DATE SIGNED	REGISTERED VOTING ADDRESS (Street) (City, Town or Village)	ZIP CODE	CONG R. DIST.	NAME (Printed or Typed)
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signed this page of the foregoing petition, and each of them signed his or her name thereto in my presence; I believe that each has stated his or her name, registered voting address and city, town or village correctly, and that each signer is a registered voter of the state of Missouri and \_\_\_\_\_ County.

FURTHERMORE, I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT AND THAT I HAVE NEVER BEEN CONVICTED OF, FOUND GUILTY OF, OR PLED GUILTY TO ANY OFFENSE INVOLVING FORGERY.

I am at least 18 years of age. I do ☐ do not ☐ (check one) expect to be paid for circulating this petition. If paid, list the payer

\_\_\_\_\_  
Signature of Affiant (Person obtaining signatures)

\_\_\_\_\_  
Address of Affiant

\_\_\_\_\_  
(Printed Name of Affiant)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 201\_\_.

\_\_\_\_\_  
Notary Public (Seal)

\_\_\_\_\_  
Signature of Notary

My commission expires \_\_\_\_\_

\_\_\_\_\_  
Address of Notary



NOTICE: The proposed amendment creates seven new sections of one new Article, to be known as Article XIV, Sections 1, 2, 3, 4, 5, 6, and 7. It changes, repeals, or modifies by implication, or may be construed to change, repeal or modify by implication Article I, Sections 29, and Article VIII, Section 23, and Chapters 8, 34, 89, 105, 285, 286, 290, 292, 295, 393, 516, 610, and 630 of the Revised Statutes.

The proposed amendment creates seven new sections of one new Article, to be known as Article XIV, Sections 1, 2, 3, 4, 5, 6, and 7.

*Be it resolved by the people of the state of Missouri that the Constitution be amended:*

Article XIV is created by adopting seven new sections to be known as Sections 1, 2, 3, 4, 5, 6, and 7.

ARTICLE XIV, SECTION 1. The provisions of this section shall be known as the Union Abuse Prevention Amendment. It shall be the public policy of this state to promote better jobs and higher pay through labor reforms that help Missouri businesses succeed, allow the state to compete in the national and international market for job creation, and promote the efficient and effective functioning of state and local government.

SECTION 2. Employees shall have the freedom to get jobs and to keep their jobs without being forced to pay any fees to a union or join a union, such that, to obtain or keep a job, no person shall be forced to: (1) become, remain or refrain from becoming a member of a union; or (2) pay any dues, fees assessments, or other similar charges however denominated of any kind or amount to a union or third party in lieu thereof.

SECTION 3. (A) No sum shall be withheld from the earnings of any public employee for the purpose of paying any portion of dues or any other fees paid by public employees to a public labor organization or a public labor organization's designee except upon the annual informed, written, notarized authorization of the public employee. A public employee may freely and without penalty withdraw such authorization at any time by written or electronic notification, and no sum shall be withheld from the earnings of any such public employee, effective as of the time such notification is sent.

(B) No public labor organization shall use or obtain any portion of dues or any other fees paid by public employees to make contributions or expenditures, as such terms is defined in Article VIII, except with the informed, written, notarized authorization of such public employee received and dated within the previous twelve months. A public employee may freely and without penalty withdraw such authorization at any time by written or electronic notification, and no sum shall be withheld from the earnings of any such public employee, effective as of the time such notification is sent.

(C) Public employees who do not authorize contributions or expenditures, or who revoke such authorization, shall not have their dues or any other fees increased in lieu of payments for contributions or expenditures.

(D) The requirements of this section shall not be waived by any member or nonmember of a public labor organization, and waiver of the requirements shall not be made a condition of employment or continued employment.

(E) Signing or refraining from signing any authorization described under this section shall not be made a condition of employment or continued employment.

(F) A public labor organization shall maintain financial records substantially similar to and no less comprehensive than the records that are required to be maintained in accordance with 29 U.S.C. Section 431(b), or any successor statute.

(G) Every public labor organization shall provide the records required under this section in a searchable electronic format to every public employee it represents. In addition to other remedies provided in this section, if any public labor organization fails to make such records available to the employees represented by such organization, any such employee shall have a cause of action against the public labor organization for enforcement of this section. The court in such action may, in its discretion, in addition to any judgment awarded to the plaintiff or plaintiffs, require reasonable attorney's fees and court costs to be paid by the public labor organization.

(H) Every public labor organization required to prepare any record under this section shall maintain such records and any additional data or summary by which the records may be verified, explained, or clarified for a period beginning on the date the record is received and ending five years immediately following the end of the year such record was prepared.

(I) For purposes of this section "Public labor organization" includes any organization that exists and is constituted for the purpose, in whole or in part, of collective bargaining or dealing with public employers concerning grievances, terms and conditions of employment, or other mutual aid or protection.

SECTION 4. (A) No existing or future law or ordinance of the state or its political subdivisions shall require that workers employed by or on behalf of any public body engaged in the construction, alteration, repair, or maintenance of public works be paid: (1) a wage at or above the prevailing hourly rate of wages for work of a similar character in the locality in which the work is performed, including the prevailing hourly rate of wages for legal holiday and overtime work; or (2) any wage calculated by reference to any rate of wages for work of a similar or dissimilar character in any location or locations, including the rates of wages for legal holiday and overtime work, except the state minimum wage provided in chapter 290 of the revised statutes, as amended from time to time.

(B) This section shall not apply to the wages paid any contractors or subcontractors for work performed on federally funded or assisted contracts.

(C) For purposes of this section the following terms mean: (1) "Public works", all fixed works constructed for public use or benefit or paid for wholly or in part out of public funds. It also includes any work done directly by any public utility company when performed by it pursuant to the order of the public service commission or other public authority whether or not it is done under public supervision or direction or paid for wholly or in part out of public funds when let to contract by the utility. It does not include any work done for or by any drainage or levee district.

(2) "Public body", the state of Missouri or any officer, official, authority, board or commission of the state, or other political subdivision or special district thereof, any institution supported in whole or in part by public funds, or any public utility performing work pursuant to the order of the public service commission or other public authority whether or not it is done under public supervision or direction or paid for wholly or in part out of public funds when let to contract by the utility;

(3) "Worker", laborers, workmen or workwomen, and mechanics.

SECTION 5. (A) The provisions of this section shall apply to all public employees, labor organizations, and labor agreements between a labor organization and a public body, whether collective bargaining rights are granted to such entities in section 105.510, RSMo, as amended from time to time, or by judicial decision.

(B) 1. Every labor organization shall adopt a constitution and bylaws and shall file a copy thereof with the department, together with a report, signed by its president and secretary or corresponding principal officers, containing the following information:

(1) The name of the labor organization, its mailing address, and any other address at which it maintains its principal office or at which it keeps the records referred to in this section;

(2) The name and title of each of its officers;



- (3) The initiation fee or fees required from a new or transferred member and fees for work permits required by the reporting labor organization;
- (4) The regular dues or fees or other periodic payments required to remain a member of the labor organization, as well as agency fees or any other fees required for nonmembers, if any; and
- (5) Detailed statements, or references to specific provisions of documents filed under this subsection which contain such statements, showing the provisions made and procedures followed with respect to each of the following: (a) Qualifications for or restrictions on membership;
- (b) Levy of assessments;
- (c) Participation in insurance or other benefit plans;
- (d) Authorization for disbursement of funds of the labor organization;
- (e) Audit of financial transactions of the labor organization;
- (f) The calling of regular and special meetings;
- (g) The selection of officers and stewards and of any representatives to other bodies composed of labor organizations' representatives, with a specific statement of the manner in which each officer was elected, appointed, or otherwise selected;
- (h) Discipline or removal of officers or agents for breaches of their trust;
- (i) Imposition of fines, suspensions, and expulsions of members, including the grounds for such action and any provision made for notice, hearing, judgment on the evidence, and appeal procedures;
- (j) Authorization for bargaining demands;
- (k) Ratification of contract terms; and
- (l) Issuance of work permits.

Any change in the information required by this subsection shall be reported to the department at the time the reporting labor organization files with the department the annual financial report required by subdivision (2) of this subsection.

2. Every labor organization shall file annually with the department a financial report signed by its president and treasurer or corresponding principal officers containing the following information in such detail as may be necessary to accurately disclose its financial condition and operations for its preceding fiscal year:

- (1) Assets and liabilities at the beginning and end of the fiscal year;
- (2) Receipts of any kind and the sources thereof;
- (3) Salary, allowances, and other direct or indirect disbursements, including reimbursed expenses, to each officer and employee who, during such fiscal year, received more than ten thousand dollars in the aggregate from such labor organization and any other labor organization affiliated with it or with which it is affiliated, or which is affiliated with the same national or international labor organization;
- (4) Direct and indirect loans made to any officer, employee, or member, which aggregated more than two hundred fifty dollars during the fiscal year, together with a statement of the purpose, security, if any, and arrangements for repayment;
- (5) Direct and indirect loans to any business enterprise, together with a statement of the purpose, security, if any, and arrangements for repayment;
- (6) An itemization schedule that discloses the name and address, purpose, date, amount, and type or classification of the total amount spent by the labor organization for:
  - (a) Contract negotiation and administration;
  - (b) Organizing activities;
  - (c) Litigation, specifying the matters and cases involved;
  - (d) Public relations activities;
  - (e) Political activities;
  - (f) Activities attempting to influence the passage or defeat of federal, state, or local legislation or the content or enforcement of federal, state, or local regulations or policies;
  - (g) Voter education and issue advocacy activities;
  - (h) Training activities for each officer of the local bargaining representative or labor organization support staff;
  - (i) Conference, convention, and travel activities engaged in by the labor organization; and
  - (j) Labor organization administration;
- (7) The percentage of the employee labor organization's total expenditures that were spent for each of the activities described in paragraphs (a) to (j) of subdivision (6) of this subsection;
- (8) The names, addresses, and activities of any law firms, public relations firms, or lobbyists whose services are used by the labor organization for any activity described in paragraphs (a) to (j) of subdivision (6) of this subsection;
- (9) A list of political candidates, political organizations, charitable organizations, non-profit organizations and community organizations to which the labor organization contributed financial or in-kind assistance and the dollar amount of such assistance;
- (10) The name and address of any political action committees with which the labor organization is affiliated or to whom it provides contributions, the total amount of contributions to such committees, the candidates or causes to which such committees provided any financial assistance, and the amount provided to each such candidate or cause;
- (11) Other disbursements made by it including the purposes thereof, all in such categories as the department may prescribe.

3. Every labor organization shall submit the report required by subdivision 2 of this subsection in an electronic, readily and easily accessible format and shall make available the information required to be contained in such report to all of its members. Every such labor organization and its officers shall be under a duty enforceable at the suit of any member of such organization in the county where the violation occurred to permit such member for just cause to examine any books, records, and accounts necessary to verify such report. The court in such action may, in its discretion, in addition to any judgment awarded to the plaintiff or plaintiffs, allow a reasonable attorney's fee to be paid by the defendant, and costs of the action.

4. The department shall make each report filed under this subsection publicly available, online, in an electronic format.

(C) 1. Every officer of a labor organization and every employee of a labor organization, other than an employee performing exclusively clerical or custodial services, shall file with the department a signed report listing and describing for his or her preceding fiscal year:

- (1) Any stock, bond, security, or other interest, legal or equitable, which such person or his or her spouse or minor child directly or indirectly held in, and any income or any other benefit with monetary value, including reimbursed expenses, which such person or his or her spouse or minor child derived directly or indirectly from, any public body whose employees such labor organization represents or is actively seeking to represent, except payments and other benefits received as a bona fide employee of such public body;
- (2) Any transaction in which such person or his or her spouse or minor child engaged, directly or indirectly, involving any stock, bond, security, or loan to or from, or other legal or equitable interest in the business of a public body whose employees such labor organization represents or is actively seeking to represent;
- (3) Any stock, bond, security, or other interest, legal or equitable, which such person or his or her spouse or minor child directly or indirectly held in, and any income or any other benefit with monetary value, including reimbursed expenses, which such person or his or her spouse or minor child derived directly or indirectly from, any business a substantial part of which consists of buying from, selling or leasing to, or otherwise dealing with, the business of a public body whose employees such labor organization represents or is actively seeking to represent;



(4) Any stock, bond, security, or other interest, legal or equitable, which such person or his or her spouse or minor child directly or indirectly held in, and any income or any other benefit with monetary value, including reimbursed expenses, which such person or his or her spouse or minor child derived directly or indirectly from, a business any part of which consists of buying from, or selling or leasing directly or indirectly to, or otherwise dealing with such labor organization;

(5) Any direct or indirect business transaction or arrangement between such person or his or her spouse or minor child and any public body whose employees his organization represents or is actively seeking to represent, except work performed and payments and benefits received as a bona fide employee of such public body and except purchases and sales of goods or services in the regular course of business at prices generally available to any employee of such public body; and

(6) Any payment of money or other thing of value, including reimbursed expenses, which such person or his or her spouse or minor child received directly or indirectly from any public body or any person who acts as a labor relations consultant to any public body.

2. The provisions of subdivisions (1), (2), (3), (4), and (5) of subdivision 1 of this subsection shall not be construed to require any such officer or employee to report his bona fide investments in securities traded on a securities exchange registered as a national securities exchange under the Securities Exchange Act of 1934, as amended from time to time, in shares in an investment company registered under the Investment Company Act, as amended from time to time, or in securities of a public utility holding company registered under the Public Utility Holding Company Act of 1935, as amended from time to time, or to report any income derived therefrom.

3. Nothing contained in this subsection shall be construed to require any officer or employee of a labor organization to file a report under subdivision (1) of subdivision 1 of this subsection unless such person or his or her spouse or minor child holds or has held an interest, has received income or any other benefit with monetary value or a loan, or has engaged in a transaction described therein.

(D) 1. The contents of the reports and documents filed with the department under the provisions of subsections (B) or (C) shall be considered a "public record" as that term is defined in the Sunshine Law, as amended from time to time, and shall not be closed pursuant to section 610.021, as amended from time to time. The department may publish any information and data obtained under subsections (B) and (C). The department may use the information and data for statistical and research purposes, and compile and publish such studies, analyses, reports, and surveys based thereon as it may deem appropriate.

2. The department shall by regulation make reasonable provision for the inspection and examination, on the request of any person, of the information and data contained in any report or other document filed with him pursuant to subsections (B) or (C).

3. (1) The department shall by regulation provide for the furnishing of reports or other documents filed with the department under the provisions of this section, upon payment of a charge based upon the cost of the service.

(2) The department shall make available without payment of a charge, or require any person to furnish, to such state agency as is designated by law or by the governor of the state in which such person has his principal place of business or headquarters, upon request of the governor of such state, copies of any reports and documents filed by such person with the department under the provisions of subsections (B) or (C), or of information and data contained therein.

(3) All moneys received in payment of such charges fixed by the department pursuant to this subsection shall be deposited in the general revenue fund of the state.

(E) Every person required to file any report under this section shall maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the department may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions. Such records shall be kept available for examination for a period of not less than five years after the filing of the documents based on the information which they contain.

(F) 1. Each labor organization shall file the initial report required under subdivision 1 of subsection (B) within ninety days after the date on which it first becomes subject to the provisions of this section.

2. Each person required to file a report under the provisions of this section shall file such report within ninety days after the end of each of its fiscal years, except that where such person is subject for only a portion of such a fiscal year, whether because the date of enactment of the provisions of this section occurs during such person's fiscal year or such person becomes subject to the provisions of this section during its fiscal year, such person may consider that portion as the entire fiscal year in making such report.

(G) Whenever it shall appear that any labor organization or person has violated or is about to violate any of the provisions of this section, the department, a public body, or any person may bring a civil action for such relief, including injunctive relief, as may be appropriate. Any such action may be brought in the county where the violation occurred and damages and attorney's fees shall be awarded for the enforcement of this section.

(H) 1. Supervisory employees shall not be included within the same bargaining unit as employees they supervise.

2. The same labor organization shall not represent both non-supervisory and supervisory employees.

3. For the purposes of this section, the term "supervisory employee" means anyone with supervisory status, managerial status, confidential status or any other status that would be a conflict of interest with the purpose of this section.

(I) 1. Any labor organization wishing to represent employees shall present to the board cards containing the signatures of at least thirty percent of the employees in the bargaining unit, indicating that they wish to select the labor organization in question as their exclusive bargaining representative for the purpose of collective bargaining. Voluntary recognition by any public body shall be prohibited. Recognition may only be obtained by a labor organization through an election before the board.

2. Upon receiving such cards, the board shall validate the signatures on the cards, and confirm that at least thirty percent of the employees in the bargaining unit have signed the cards. If the board determines that at least thirty percent of the employees in the bargaining unit have signed valid cards, the board shall consult with the public body and the representative of the labor organization that has presented the cards, and together they shall select a mutually agreeable date for a secret ballot election to take place. The election shall be held at the public body's place of business, and shall be set for a date falling no less than four and no more than eight weeks after the day upon which the board determines the bargaining unit for election and has resolved any other bargaining unit issues.

3. Once an election date has been set, the public body shall issue a notice informing all eligible voters of the date, time, and place of the election. Such notice shall be distributed to all employees and shall be posted within the public body's place of business.

4. All employees shall have the right to freely express their opinions about whether or not the labor organization should be selected as the exclusive bargaining representative of the employees in the bargaining unit. However, no employee and no representative of the labor organization shall attempt to threaten, intimidate, coerce, or otherwise restrain any eligible voter in the free exercise of his or her individual choice to support or oppose the selection of the labor organization in question as the exclusive bargaining representative of the employees in the bargaining unit.

5. Elections shall be conducted by secret ballot, using such procedures as the board shall determine are appropriate for ensuring the privacy and security of each employee's vote. Once the poll is closed, the board shall oversee the counting of the ballots. One representative of the public body's management team and one representative of the labor organization shall have the right to be present during the counting of the ballots.



6. The ballots shall read "Do you wish to select (labor organization) as the exclusive bargaining representative for (description of bargaining unit) employed within (description of public body)?" The ballot shall include check boxes for marking "yes" or "no" in response to this question.

7. In the event that more than one labor organization seeks to represent employees in the unit, and in the event both labor organizations have obtained signatures from at least thirty percent of the employees in the unit stating that they wish to designate the labor organization as their exclusive bargaining representative, then the ballot shall read "Do you wish to select (labor organization A), (labor organization B), or no labor organization as the exclusive bargaining representative for (description of bargaining unit) employed within the (description of public body)?" The ballot shall then include check boxes for marking "I wish to select (labor organization A) as my exclusive bargaining representative," "I wish to select (labor organization B) as my exclusive bargaining representative," and "I do not wish to select any labor organization as my exclusive bargaining representative."

8. Any labor organization receiving the votes of more than fifty percent of all employees in the bargaining unit shall be designated and recognized by the public body as the exclusive bargaining representative for all employees in the bargaining unit.

9. Employees within the bargaining unit shall have the right to seek to decertify the labor organization as their exclusive bargaining representative at any time. If any employee within the bargaining unit presents to the board cards bearing the signatures of at least thirty percent of the employees within the bargaining unit stating that those employees no longer wish to be represented by the labor organization in question, the board shall first validate the signatures on the cards.

10. If the board confirms that at least thirty percent of the employees in the bargaining unit have signed decertification cards, the board shall consult with the public body and the designated representative of the labor organization to select a date for a decertification election. Such election shall take place at least four weeks, but no later than six weeks, after the board receives the decertification cards. Notice of such election shall be distributed to all employees within the bargaining unit and posted within the public body's place of business.

11. If more than fifty percent of the employees in the bargaining unit cast votes to terminate the labor organization's representation of the employees in the bargaining unit, the labor organization shall immediately cease to represent the employees in the bargaining unit.

12. Labor organizations shall be recertified every two years. To meet the biennial recertification requirement, continuation of the labor organization's status as the exclusive representative shall be favored in a secret ballot election conducted by the board by more than fifty percent of the employees in the bargaining unit. Employees shall vote by telephone or online every two years during a two-week period beginning on the anniversary of initial certification.

13. In the event of the decertification of the exclusive bargaining representative of the employees in any bargaining unit or failure to recertify a labor organization, all terms and conditions of employment existing at the time of decertification or failure to recertify shall remain in place until such time as those terms or conditions of employment are altered by the public body.

14. No more than one election shall take place in any bargaining unit within the same twelve-month period. Once an election takes place, the board shall not accept cards from labor organizations or employees within the bargaining unit seeking another election for one full calendar year after the date of the election.

15. The board shall assess and collect a fee from each labor organization participating in an election conducted under this subsection for the purpose of paying for such election as follows:

(1) For a bargaining unit of one to one hundred members, a fee of two hundred dollars;

(2) For a bargaining unit of one hundred one to two hundred fifty members, a fee of three hundred fifty dollars;

(3) For a bargaining unit of two hundred fifty-one to five hundred members, a fee of five hundred dollars;

(4) For a bargaining unit of five hundred one to one thousand members, a fee of seven hundred fifty dollars;

(5) For a bargaining unit of one thousand one to three thousand members, a fee of one thousand five hundred dollars;

(6) For a bargaining unit of more than three thousand members, a fee of two thousand dollars.

(J) 1. Within eight weeks after a labor organization is certified as the exclusive bargaining representative for the employees in a bargaining unit as set out in subsection (I), representatives of the public body, designated by the public body, and representatives of the labor organization, selected by the labor organization, shall meet and begin bargaining for an agreement covering the wages, benefits, and other terms and conditions of employment for the employees within the bargaining unit.

2. No labor organization may refuse to meet with designated representatives of any public body or engage in conduct intended to cause the removal or replacement of any designated representative by the public body.

3. The labor organization and the public body shall engage in bargaining with each other's designated representatives, but neither side shall be required to offer any particular concession or withdraw any particular proposal.

4. The public body shall not pay any labor organization representative or employee for time spent participating in collective bargaining or preparing for collective bargaining on behalf of a labor organization, except to the extent the person in question is an employee of the public body and elects to use accrued paid time off to cover the time so spent.

5. Before any proposed agreement or memorandum of understanding is presented to a public body, the labor organization, as a condition of its presentation, shall establish that it has been ratified by a majority of its members. The public body may approve the entire agreement or any part thereof. If the public body rejects any portion of the agreement, the public body may return any rejected portion of the agreement to the parties for further bargaining, or the public body may adopt a replacement provision of its own design, or the public body may state that no provision covering the topic in question shall be adopted. Any tentative agreement reached between the parties' representatives shall not be binding on the public body or labor organization.

6. A public body and a labor organization shall not be subject to binding mediation, binding interest arbitration, or interest arbitration in the event the parties are unable to reach an agreement.

7. After the first agreement between the public body and the labor organization is adopted, bargaining for renewal agreements shall take place annually. Such bargaining shall be completed by July thirty-first of each calendar year. The parties may elect to bargain non-economic terms for longer periods but all economic provisions of the agreement shall be adopted on an annual basis only.

8. The term of any labor agreement, provision of a labor agreement, or extension of a labor agreement entered into after the effective date of this section shall not exceed a period of two years. Any modification, extension, renewal, or any change whatsoever to a labor agreement in effect as of the effective date of this section shall only be continued as a new labor agreement for purposes of this section.

(K) 1. A meeting concerning a labor agreement between a public body or its agent and an exclusive bargaining representative or its agent shall be considered a "public meeting" as that term is defined under the Sunshine Law and shall not be closed pursuant to section 610.021, RSMo, as amended from time to time. The provisions of this subsection apply whether or not such meeting is conducted under any provision of this section.

2. Any document presented by a public body during a meeting concerning a labor agreement, or that the public body receives from an exclusive bargaining representative, shall be considered a "public record" as that term is defined under the Sunshine Law and shall not be closed pursuant to section 610.021, RSMo, as amended from time to time.

3. This section shall not apply to any part of a meeting during which a public body or its agent is planning or adopting the strategy or position to be taken during the course of a collective bargaining session.



(L) Labor agreements negotiated between a public body and labor organization may cover wages, benefits, and all other terms and conditions of employment for employees within the bargaining unit, and shall be subject to the following limitations:

(1) Every labor agreement shall include a provision reserving to the public body the right to hire, promote, assign, direct, transfer, schedule, discipline, and discharge employees. Every labor agreement shall also include a provision reserving to management the right to make, amend, and rescind reasonable work rules and standard operating procedures;

(2) Every labor agreement shall expressly prohibit all strikes and picketing of any kind. A strike shall include any refusal to perform services, walkout, sick-out, sit-in, or any other form of interference with the operations of any public body. Every labor agreement shall include a provision acknowledging that any employee who engages in any strike or concerted refusal to work, or who pickets over any personnel matter, shall be subject to immediate termination of employment;

(3) Every labor agreement shall include a provision extending the duty of fair representation by the labor organization to employees in any bargaining unit;

(4) Every labor agreement shall expressly prohibit labor organization representatives and employees from accepting paid time by a public body for the purposes of conducting labor organization- related business, including, but not limited to, grievance handling, negotiations, meetings, meet and confer sessions, time off to attend labor organization meetings, or any other labor organization-related activity;

(5) Every labor agreement shall inform employees their right to refrain from engaging in and supporting labor organization activity as well as their right to oppose labor organization activity;

(6) Every labor agreement shall include a provision stating that in the event of a budget shortfall, the public body shall have the right to require the modification of the economic terms of any labor agreement. Every labor agreement shall also state that if the public body deems it necessary to modify the economic terms of any labor agreement, the public body shall so notify the relevant labor organization, and shall provide a period of thirty days during which the public body and the labor organization shall bargain over any necessary adjustments to the economic terms of the agreement, and if, at the end of the thirty-day period, the parties have been unable to agree upon modifications that meet the public body's requirements, the public body shall have the right to make necessary adjustments on its own authority.

(M) The secretary or corresponding principal officer of each labor organization shall forward a complete copy of each agreement made by such labor organization with any public body to any employee who requests such a copy and whose rights as such employee are directly affected by such agreement.

(N) Whenever it shall appear that any labor organization or representative of any labor organization has violated or is about to violate any of the provisions of this section, the department, a public body, or any citizen of the state of Missouri may bring a civil action for such relief, including injunctive relief, as may be appropriate. Any such action may be brought in the county where the violation occurred or in the county where the plaintiff resides and damages and attorneys' fees shall be awarded for the enforcement of the provisions of this section.

(O) For purposes of this section, unless the context otherwise requires, the following words and phrases mean:

(1) "Bargaining unit", a unit of employees at any plant or installation or in a craft or in a function of a public body which establishes a clear and identifiable community of interest among the employees concerned;

(2) "Board", the state board of mediation established under section 295.030, RSMo, as amended from time to time;

(3) "Department", the department of labor and industrial relations established under section 286.010, RSMo, as amended from time to time;

(4) "Exclusive bargaining representative", an organization which has been designated or selected by a majority of the employees in a bargaining unit as the representative of such employees in such unit for purposes of collective bargaining;

(5) "Labor organization", any organization, agency, or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with a public body or public bodies concerning collective bargaining, grievances, labor disputes, wages, rates of pay, hour of employment, or conditions of work;

(6) "Public body", the state of Missouri, or any officer, agency, department, bureau, division, board or commission of the state, or any other political subdivision of or within the state.

SECTION 6. Any person who purposely violates the provisions of sections 1 through 5 of this Article is guilty of a class A misdemeanor. Notwithstanding any other provision of law which bars prosecutions for any offenses other than a felony unless commenced within one year after the commission of the offense, any offense under the provisions of this section may be prosecuted if the indictment be found or prosecution be instituted within three years after the commission of the alleged offense.

SECTION 7. The provisions of this Article are self-executing. All of the provisions of this Article are severable. If any provision of this Article is found by a court of competent jurisdiction to be unconstitutional or unconstitutionally enacted, the remaining provisions of this Article shall be and remain valid.